HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 12077 OF 2006

Dated 7th July, 2006

Between:

S.Achuta Ramaiah

… Petitioner

And

Sri Durga Malleswaraswamy Devasthanam,
Vijayawada, Krishna District, represented
by its Executive Officer & Joint
Commissioner.

… Respondent

ORDER:

The petitioner, who is an employee of Sri Durga Malleswara Swamy Devasthanam, Vijayawada, has filed this writ petition seeking issuance of a writ of mandamus declaring the proceedings in Rc.No.A1/80/2006 dated 2.6.2006 issued by the respondent allocating the duties not related to the post of Public Relations Officer of Devasthanam as arbitrary, illegal and capricious and consequently to set aside the said proceedings.

The facts, in brief, are that the petitioner was appointed as Junior Assistant in the year 1988 and his services were regularized as such with effect from 16.7.1993. He was later promoted to the post of Senior Assistant on 5.5.1996 and was placed at Sl.No.7 in the seniority list of Senior Assistants. However, when he was working as such, he made a representation to the Executive Officer to consider his case for promotion as Superintendent for being designated as Public Relations Officer as he is having degree in Bachelor of Public Relations. Accordingly, petitioner's case was considered and he was promoted to the post of Public Relations Officer, which is in the cadre of Superintendent, after obtaining approval from the Commissioner of Endowments. Aggrieved by the orders of promotion of the petitioner herein, one D.Sai Babu, Senior Assistant whose name was shown at Sl.No.5 in the seniority list of Senior Assistants, filed Writ Petition No.23889 of 2002 challenging the said orders and for consideration of his case along with others for promotion to the post of Superintendent. After his case was considered to discharge the functions of the Public Relations Officer, he was put in-charge of Reception & Guest House, VIPs, Publications, Press etc. But, from time to time, the duties allocated

to various staff members in the establishment were changed and presently by impugned proceedings dated 2.6.2006, the petitioner who was posted at the reception of Sri Durga Malleswara Swamy Devasthanam in uphill is allotted the duty at the Reception at downhill bathing ghat and is entrusted with over all supervision of sanitation and maintenance of bathing ghat, Kesakhandana sala, Arundal Choultry, Madapati and AKM Choultry.

When the petitioner was working as Public Relations Officer, further proposals were sent for up-gradation of the post of Public Relations Officer to that of Personal Assistant to the Executive Officer, which were accepted and the post of Public Relations Officer was upgraded to that of Personal Assistant to the Executive Officer. But, however, on the ground that even after up-gradation, the same was not implemented, the petitioner has filed Writ Petition No.18200 of 2005. But later on, on realizing that there is no post of Public Relations Officer borne on the cadre of the temple in the rules issued in G.O.Ms.No.888 dated 8.12.2000 and to avoid litigation, the orders of up-gradation were cancelled. Challenging the said orders of cancellation also, the petitioner herein filed another writ petition being Writ Petition No. 25963 of 2005, which is stated to be pending on the file of this Court. When the petitioner was transferred to another institution in exercise of the power under Section 39 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987, he also filed a writ petition being W.P. No.9328 of 2006.

In the present writ petition, the order reallocating the duties to the petitioner than those assigned to him earlier is impugned, mainly on the ground that he is now entrusted with the duties, which are not meant to be attended by the Public Relations Officer. It is his case that the respondents have erred in allotting the duties of the Superintendent of the temple, though he was appointed as Public Relations Officer.

Counter affidavit has been filed by the Executive Officer of the temple giving details of the appointment of the petitioner, further post held by the petitioner, orders passed by the Executive Officer from time to time and also the details of the writ petitions filed before this court. It is stated in the counter affidavit that the Executive Officer is the competent authority to allot the duties to various categories of employees working in the Devasthanam to run the administration smoothly, efficiently and to provide facilities to the pilgrims. It is stated that the petitioner is working in the cadre of Superintendent and is entrusted with the duties of public relations for better administration of the institution, and, in view of the increased number of pilgrims visiting Durga Bathing Ghat and choultries belonging to the Devasthanam daily, Devasthanam has established Reception at the downhill bathing ghat to provide all kinds of information to the pilgrims. As such, it was decided to get a person in the cadre of Superintendent to discharge the duties of public relations and to have liaison with the pilgrims. The petitioner who was working at uphill and has created vested interested in the post and is creating hurdles in the administration and as there are several complaints against his adamant behaviour, he is shifted to the downhill.

It is submitted by Shri P.Gangaiah Naidu, learned Senior Counsel appearing for the petitioner that as the petitioner was appointed to the post of Public Relations Officer and was earlier entrusted with the duties to be attended to by the Public Relations Officer and out of 11 posts, one post is earmarked as Public Relations Officer, reallocation of duties which are not meant to be attended by the Public Relations Officer, by the order impugned herein is arbitrary and illegal and the same is issued only on the ground that the petitioner approached this court earlier by filing writ petitions challenging the action of the respondent with regard to other matters. Therefore, he submits that the order impugned in the

writ petition is liable to be set aside.

On the other hand, it is submitted by Shri P.Lakshma Reddy, learned Government Pleader for Endowments that there is no substantive post of Public Relations Officer with earmarked duties in the establishment approved by the competent authority. In that view of the matter, for better administration of the temple and its ancillary units, the petitioner is assigned with new duties as detailed in the impugned proceedings, more particularly, in view of the fact that the petitioner created vested interest and is creating hurdles in the administration of temple.

As per the scheme of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987, the cadre strength of a temple establishment is to be fixed as per the approval by the Commissioner. So far as this Devasthanam is concerned, keeping in view the workload and financial position of the temple, the cadre strength of different categories is fixed. In the cadre strength fixed and approved by the competent authority, there is no specific substantive post of Public Relations Officer. But, however, out of 11 posts of Superintendents in the establishment of the temple, one post is earmarked to discharge the functions of Public Relations Officer. In the absence of any substantive post of Public Relations Officer borne on the cadre, or, earmarking of the duties of Public Relations Officer, and, as it is only for the purpose of convenience in the administration of the temple that the persons holding the posts of Superintendents are entrusted with the duties of public relations, it is not open for the petitioner to seek entrustment of particular duties at a particular place. Of course, in this case, the claim of the petitioner was considered, at his request, for designating him as Public Relations Officer and accordingly, he was posted at various places since then. But, the fact remains that there is no post of Public Relations Officer borne on the cadre of the temple and the substantive post is only the Superintendent, and, it is only for the

sake of convenience and better administration of the temple that the persons in the cadre of Superintendent are entrusted with the duties of public relations. As such, the reallocation of duties as allotted in the order impugned herein is within the administrative competence of the respondent. As Executive Officer, it is always open for the respondent to reallocate the duties to the various officers in the establishment having regard to the requirement and it is only a normal administrative arrangement. In the absence of any specified duties and sanction of the post of Public Relations Officer and as the petitioner, while working as Public Relations Officer in uphills is stated to have created vested interest and was creating hurdles in the administration of the temple, I do not find any illegality in the proceedings dated 2.6.2006 in reallocating the duties to the petitioner at down hill and as the impugned proceedings are only in the nature of administrative arrangement, the same are within the power of the Executive Officer.

In the aforesaid premise, I do not find any ground for interference with the order impugned herein, in exercise of the power under Article 226 of the Constitution of India. The writ petition, therefore, is dismissed, but, without any order as to costs.

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--7—2006 **(R.SUBHASH REDDY, J.)**

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